

MINUTES

P & Z COMMISSION HEARING

11/21/2019

ATTENDANCE

P & Z Commissioners

ATTENDED

1. Chuck Teetsel
2. Randy Murph
3. Ruth Ann Smith
4. Rodger Rhoades
5. Wendell DeCross
6. Nick McVicker
7. Chuck Howe

ABSENT

STAFF ATTENDANCE

1. Sandra Phillips
2. Cody Cooper
3. Kristyn Saunders
4. John Osgood
5. Brandt Clark (Telephonically)

Meeting held at the Navajo County Board of Supervisors Chambers, Holbrook, Arizona –
Time: 6:00 PM to 8:55 PM

Chairman Teetsel called the meeting of the Navajo County Planning & Zoning Commission to order and explained the meeting procedures to the public. **Mr. Teetsel** then led the pledge of Allegiance.

ITEM #1 – PLEDGE OF ALLEGIANCE.

ITEM #2 – REVIEW OF AGENDA BY COMMISSIONERS.

ITEM #3 – CALL TO PUBLIC FOR ITEMS NOT ON THE AGENDA.

No one asked to speak.

ITEM #4 – CASE # 19-104 SPECIAL USE PERMIT AMENDMENT, DISTRICT IV:

Discussion and possible action on a request by Lori McSorley for a Special Use Permit Amendment to allow for 6 RV spaces to replace 2 Manufactured Home spaces in Boulders RV and Mobile Home Park on a portion of APN 207-16-047F, a portion of Township 12 North, Range 16 East, Section 23 of the Gila and Salt River Meridian in the Heber area.

Cody Cooper presented the Item to the staff, he showed the commission where the project was located including some of the features and landmarks of the area, the applicant

wishes to replace two mobile home spaces and replace them with six RV parking spaces. Mr. Cooper also showed the commission some pictures of the area, including the office for the park, and the current condition of the plots. He showed the commission the plans for the lots and mentioned that the Fire Chief had submitted a letter in support, as well as where postings were and what the radius of the project was. Staff has received notice from two members of the public that have spoken up in favor of the expansion as the applicant has done a lot to clean up the area and improve crime rates through careful review of resident applications. Staff has added a condition that some screening be provided and is open to alternative screening options. **Chairman Teetsel** asked if the applicant was present, and applicant Lori McSorley came up to address the commission, she had agreed to add some screening, and noted that there were some things they wanted to dress up, including the meter and the water lines on the property. **Commissioner DeCross** also noted that the RV Park was fairly remote in regards to other businesses in the area.

Chairman Teetsel asked if the commission had questions, having none, asked if anyone from the public wanted to speak, and finding none he called for a motion. **Commissioner DeCross** made a motion to recommend Approval to the Board. **Commissioner Smith** seconded the motion. Motion carried unanimously. (6-0)

ITEM #5 – CASE # 19-88 SPECIAL USE PERMIT, DISTRICT IV: Discussion and possible action on a request by Samara LLC for a Special Use Permit to allow for the construction and operation of a plant nursery and landscape supply business on a portion of APN: 208-14-002U, a portion of Township 11 North, Range 19 East, Section 15 of the Gila and Salt River Meridian in the Clay Springs area. Withdrawn at applicant's request

ITEM #6 – CASE # 19-90 SPECIAL USE PERMIT, DISTRICT IV: Discussion and possible action on a request by Belinda Richmond for a Special Use Permit to allow for the operation of a RV storage facility and RV Park on APN: 206-34-004C, a portion of Township 12 North, Range 17 East, Section 20 of the Gila and Salt River Meridian in the Heber area.

Mr. Cody Cooper presented the item, noting its location toward the edge of Heber along State Route 277, he noted the odd shape of the lot and that the whole area was zoned for similar use; the first 300 feet all along the SR277 is zoned C-R and not too far east are Industrial Zonings. The applicant purchased the property with the intent to use this as storage, and were not aware of the need for a Special Use Permit. There are Recreational Vehicle storage spaces already on the property, the applicant wants to put in 35 50-foot long RV storage and Living Spaces, which is why a SUP for an RV park is what staff recommended. The project also fits into the general plan for Heber/Overgaard's overall use. Mr. Cooper further showed the commission some pictures of the property, showing how the applicant planned on using the property for storage and temporary living property for friends and family, and staff requested some screening for the project and was willing to work with the applicant on it, be it solid, vegetative, etc. Staff has a concern with road access through ADOT and staff has provided contact information for ADOT, work toward access has not yet been initiated, and securing easement access through ADOT is a condition recommended by Staff before the SUP is completely issued. **The Chairman** then asked the applicant to address the Commission. Applicant Randy Abbott said that he has tried to reach out to ADOT with little success as of yet, but will continue working on it. As for screening, they plan on putting additional fencing up. **Chairman Teetsel** asked the

applicant about the conditions and if he was okay with the terms, to which Mr. Abbott agreed that he was fine with the terms.

Commissioner Howe asked if there was a septic system that served the entire proposed area, Mr. Abbott confirmed that there was, and they just wanted a place to park for their friends and family only, not for the public. **Commissioner Howe** asked if the engineering for septic was appropriate for what they were going to use it for, Ms. Phillips said that they were going to work with the applicant on that if the Board of Supervisors granted the permit as they were part of the conditions, as well as the access.

Commissioner Smith had a question for staff about the split-zoning nature of the property, how that would work for future development as the C-R zoning only extended back three hundred feet, she asked if they would have to do a Minor Land Division or what the process would be for that particular scenario.

Mr. Cooper said the zoning beyond the 300 feet was A-General, they wouldn't be able to do anything outside of expanding the SUP to the back portion, or getting a zone change. He also noted that the applicant had not indicated that they were planning on expanding back that way, but said the applicant could speak for that. Mr. Abbott said he was planning on in the future there might be more spaces, but only ever down along the C-R portion and not back into the A-G zoned area. **Commissioner Howe** asked if there were plans for permanent structures, and Mr. Abbott replied that he did not have any.

Commissioner DeCross said he went to look at the property and said that there was another RV park nearby, and asked if there was a fence on that, and Ms. Phillips confirmed that there was wood fence at least along a third of that property. **Commissioner DeCross** further asked if Staff was going to ask the applicant to put a fence around the whole project, and Sandra stated that they would work with the applicant on fencing along the 77, while remaining ADOT compliant. **Commissioner DeCross** also noted the small house next to the project, the applicant said that they were friends of theirs and were in support of the project. After some discussion about the driveway, the commission and staff both noted that ADOT inclusion would be helpful, and the applicant was hesitant to agree to anything before they got input from ADOT for their requirements. He did intend on widening Aztec for access, but there were some issues with telephone poles that might make the project difficult. **Chairman Teetsel** asked if there were any other comments, and having received none from the public or commission, **The Chairman** called for a motion. **Commissioner Smith** made a motion to recommend Approval to the Board. **Commissioner Murph** seconded the motion. Motion carried unanimously. (6-0)

ITEM #7 – CASE # 19-93 SPECIAL USE PERMIT, DISTRICT V: Discussion and possible action on a request by Boyd Britton for a Special Use Permit to allow for the operation of a custom fabrication and repair welding shop on APN 212-10-051, a portion of Township 9 North, Range 22 East, Section 9 of the Gila and Salt River Meridian in the Wagon Wheel area.

Mr. Cooper presented the item, indicating where the project was located, just off of State Route 260; The applicant wishes to use the existing building as a custom fabrication and welding repair shop. Mr. Cooper said that there was a lengthy history with the lot, listing that it was first zoned C-R in 1974, but in 1982 the neighbors within Scotts Pines Meadows had petitioned to change the zoning which ended up as R-3, and has been used as a Reserve fire station up until it changed hands in 2017, and a SUP for a custom motorcycle shop was granted the same year; and has since expired as the SUP only carried with ownership.

Code Enforcement had opened a case against the property in October 19th of 2019, and Mr. Cooper displayed some pictures of the lot. He also noted that the Applicant is not current owner and one of the conditions of sale is that the parcel be cleaned up, Staff has also stipulated that the lot be in compliance with the Ordinance of the SUP. The Applicant plans on operating Monday through Friday, from 7:30 AM to 6:00 PM, and intermittently on Saturdays if necessary from 10:00 AM to 4:00 PM and said that most work will be done indoors and that Staff has required the fabrication to be done indoors, and that work hours will be reduced if there is a need to do work out of doors. The proposal isn't in line with the comprehensive plan, however it would be a benefit to the community as it would provide the structure with use and as the cleanup of the lot is a requirement. The property surrounding the area is C-R, and as the work would be indoors this wouldn't be impactful on neighbors, staff received one e-mail with concerns about the accumulations on the property, and we asked. This SUP will not transfer with ownership, the applicant's purchase of the property is contingent upon the approval of this project. The Applicant Boyd Britton came up to speak, he wanted to clarify things and praised staff for their help. Mike Meixler owns the property, and Mr. Britton has been helping him clean it up and they're working with neighbors on improving the lot. Mr. Britton said that he just wanted a pet project to keep him busy, and noted he was familiar with Commissioner Rhoades but had not discussed the project with him in any way.

Commissioner Rhoades noted there was a lot of conditions, and asked if he was okay with all of them, Mr. Britton said he was okay with them, but he only asked that the SUP run with the land as he was concerned that it would be harder to sell if something were to happen to him and his wife needed to sell it. Ms. Phillips pointed out that both Mr. AND Mrs. Britton were listed as applicants/owners, the SUP would stay with her ownership as well. **Commissioner DeCross** asked the applicant if he was going to be buying, he said yes, he asked if it was in escrow, the applicant said no, he had no plans to put money down until it was usable to him. **Commissioner DeCross** asked if the building had ever been used as a motorcycle shop, the Applicant said that the motorcycle shop did run for a small time, but due to unfortunate circumstances the Motorcycle Shop owner had to sell to Mr. Meixler and leave. **Commissioner DeCross** asked if he planned to store material outside, applicant said there was some outdoor storage but he planned on making some housing to protect his metal as it wouldn't be any good to him rusted. **Chairman Teetsel** expressed concerns about fencing the property, and the applicant said that he planned on fencing off a good portion of the front with his own fence work to draw in customers, as he had done for his shop previously in eastern Oregon for a very long time, and promised that it would be a nice fence, if not solid. **Commissioner Howe** commented that he was familiar with Mr. Britton's work, from when he himself worked in Oregon driving by and agreed that it was a nice looking fence. **Commissioner DeCross** asked if there was a written agreement with Mr. Meixler about purchasing the property, the applicant said that he did not have a written agreement, but they did have his realtor available to confirm a verbal agreement. David Pillman came to speak with the applicant, he was the realtor for Mr. Britton. He clarified that the applicant was seeking to create a business there with stipulations that the lot be cleaned up prior to him making an offer and that all personal property be removed, and once things were taken care of they would move forward and put it into escrow.

Chairman Teetsel asked if there was anyone that wanted to speak in favor or opposition, and Mr. Rocky Ellis approached to speak in favor of the project as he was a neighbor that was seeking to have the eyesore removed. **Commissioner Howe** asked about the resolution- if it was stipulated for purchase of the property, to which Ms. Phillips replied

that it was a condition that the purchase be completed, if the applicant did not purchase the property the SUP would become null and void, and they had 12 months to complete that process as a timeline before it would expire. With no further questions, **The Chairman** called for a motion. **Commissioner Murph** made a motion to recommend Approval to the Board. **Commissioner Rhoades** seconded the motion. Motion carried unanimously. (6-0)

~~**ITEM #8 – CASE #19-80 ZONING ORDINANCE AMENDMENT:** Discussion and possible action on a request by Staff to amend the Navajo County Zoning Ordinance to include regulations and requirements for Solar Energy Power Plants within the Special Use Article. Item Pulled By Staff.~~

ITEM #9 – CASE # 19-100 ZONE CHANGE, DISTRICT IV: Discussion and possible action on a request by Travis Barney for a Zone Change from existing R1-43 zoning on two parcels totaling 93.60 acres to Special Development on APN 208-03-002A & 002B, a portion of Township 11 North, Range 18 East, Section 3 of the Gila and Salt River Meridian in the Aripine area.

Counsel was called, and Mr. Brandt Clark was present telephonically for the rest of the meeting.

Mr. Cooper presented the project and showed the commission the project and the area of the project, just off the State Route 260. They are also seeking approval for a master development site plan as well as the zone change for SD Zoning, as one of the requirements for SD is that they have a Master Development Site Plan approved. Public meetings were held on 9/30/2019 at the Heber/Overgaard Fire Station, and no concerns were given from the public, and there was some support and interest in developing the community. In 2007 the property in question was granted a zone change from A-General to R1-43, as well as approval of a master development site plan through two back-to-back resolutions. Outside of typical impact studies, there was a requirement for egress that connected to a forest service road 332. A tentative plat was submitted but a final plat was never approved. There are four different types of homes proposed in the narrative, he also noted that they were all single-family use which stayed in line with the current use, and there is a distinct lack of open space or such required amenities in the plan, outside of a single walking trail. The applicant does not feel a need to add in these as they see the space between the houses and the trail to be enough of an open space to account for the lack. Mr. Cooper noted that they reached out to Arizona Game and Fish as the development is housed within the forest to see if they had any input, they said that the area is currently used by a vast number of species and they wished to see some green space for wildlife corridors, as well as some waste management practices as there were bears in the area and they had some fencing guidelines to prevent injury to wildlife, and minimal night lighting. Game and Fish also noted that Day Wash was important for the wildlife, especially if there was to be an expansion of State Route 260 and that there might be a need to add in underground corridors but that the ideal was it remain as it is as a wildlife corridor. Staff did notify the applicant that they had reached out to Game and Fish, even though it did take a while. The applicant did put some studies into the concern but they didn't believe they needed to alter their plans. Flood Control has some concerns with the area as public safety would come into question, the applicant had submitted a study that indicated the wash was capable of over 5000 CFS. Mr. Cooper further stated that the project did not follow the goals and policies of the comprehensive plan and that there was

a lack of many different required studies and features, and so staff is recommending denial on the project and zone change.

Sandra further noted that the water plans were using a tank and no models had been provided staff, they further said that there would be conventional septic on these half-acre lots and when staff did some quick calculations there were concerns of Nitrogen overloading, so there might be requirements to do alternative septic. Percolation rate tests have been asked for by staff of the applicant, but none have been provided.

The Chairman noted that the application seemed a little premature. Ms. Phillips stated that the applicant had requested to go before the commission. He called for questions for staff of the commission, and having none, he called the applicant to speak to the commission.

Applicant Travis Barney approached to speak to the board, they purchased the properties in 2006 and had submitted the original proposal, however the economy took a downturn and they were unable to move forward. Mr. Barney noted that he has spoken with many realtors about the needs for affordable housing in this area and is moving forward with staff suggestions, and said that he was working closely with staff for a lot of the project, and that the planned lot sizes were 0.8 acres, and did not feel they had the need for open spaces as the project was surrounded by forest service roads and trails, they had a waste management plan in place.

Chairman Teetsel asked why single family didn't align with the SD zoning's purpose, Mr. Cooper replied that SD requires multiple uses to prevent there being massive blocks of just homes, and so that the community could be semi-self-reliant with businesses, etc.

The applicant and his engineer eluded to many studies that were done on the property but not provided to staff.

Commissioners asked many questions of the applicant about whether the roads were paved, the density, if the project would be phased, if there was a well to be drilled, ask about concern for public safety with the floodway through the lots, whether they were building spec homes or selling lots, onsite drainage, whether the lots were buildable, ADOT approval was not current, perimeter fencing,

Again the applicant was asked if he wanted to withdraw the project and come back later or if they wanted to go forward with a possible recommendation for denial.

Applicant said they want to move on with the project.

Applicant was asked about coordination with the Forest Service on access and the applicant stated they had an email from staff, but nothing from the Forest Service.

Commissioner DeCross asked if they had provided the applicant with the travel management rules, a lot of the roads will be closed to the public permanently, and asked if the applicant had taken that into account, and that the applicant's lack of open space means there's no access to the forest, he also said that he had contacted the fire chief as he was concerned if they'd even be able to access this area, and then Mr. DeCross read a letter the fire chief wrote with some requirements they would need before they could readily say if they were to serve the area, and asked if the applicant had even asked the fire chief about this, to which the applicant said they had.

Chief McCluskey stepped forward and said he had looked at the project. The project is not in the jurisdiction he runs, but he would respond to the area or Clay Springs would also respond. Commissioner Howe also asked the chief if they had medical and accidental coverage and if they had to respond to a lot of accidents in the area. The Chief said they responded to about 20 a year, but it can get as bad as 30. The lack of two points of access was discussed and the concerns about roadway slope.

Commissioner Howe asked the applicant about the wildlife corridor. The applicant said when they put the fence in that wildlife would still be able to go around and he feels that they can still use the flood area as travel. Applicant again stated that they wanted to move forward with the project.

Commissioners reiterated that more work needs to be done. We need to ensure that the whole project is sound.

Doug Brimhall from Painted Sky approached to speak. They are the engineer for the project and said that they had submitted the detailed and they were hoping they wouldn't have been stuck with this particular site plan and listed out all the details for this that they had back in their private files. He further said that they didn't typically have to do grading plans for the lots they had concerns on, he said that they did not intend to build in the flood way, and said that a tentative plat had been submitted with more details to the plans for water and such.

Commissioner Murph said that he was concerned with the lack of sharing of information with the commission.

Commissioner Smith asked if they had anything concrete from ADOT. Applicant said they had something from many years ago. Brimhall interjected that ADOT wouldn't care about the increase in density. Commissioner Smith stated that she does not see anything about this that looks permissible, that they were requesting far too much density into this area and had some serious concerns that were not addressed.

Applicant chose to withdraw his application.

ITEM #10 – CASE # 19-105 ZONE CHANGE, DISTRICT III: Discussion and possible action on a request by Gateway Oasis IV LLC for a Zone Change from existing Special Development zoning to R-3 on 126 acres and Commercial-Residential on 1.5 acres on APN 304-11-029, 304-16-002E, 304-78-001B, a portion of Township 11 North, Range 22 East, Section 9 & 10 of the Gila and Salt River Meridian in the White Mountain Lakes area.

Mr. Cooper presented the project, stating that the parcels were combined suddenly so the parcel numbers are incorrect and staff was only notified of this earlier that week.

The applicant is applying for a zone change from SD to R3 and some C-R so that they can move forward with the tentative plat for an RV park project with a proposed 150 RV parcels with two RV spaces on each parcel, over approximately 125 acres. Mr. Cooper then showed the commission the map of the area; he also showed the commission the proximity of the project to the local communities, he noted that the project does fall in line with the character of the area for community development, he noted the differences to the original approved community development plans. The applicant held a meeting with the

public on August 23rd. The public raised concerns over use to white mountain lake, and road infrastructure. Cody noted that white mountain lake was a private lake. Staff had some concerns over the water and sewer infrastructure in the area. Staff has received a high number of calls speaking against the project and voicing concerns about infrastructure, including fire safety, the lack of safety and traffic patrol, and access to the area being unsafe. The applicant will be responsible for offsite improvements to the roadway infrastructure if deemed needed by a traffic study. Staff recommends approval of the zone change. Ms. Phillips clarified that a portion of the land southward is state land.

Commissioner DeCross noted that he went out to look at the area, he followed a road along the top of the dam and dead-ended because there was a gate there. He asked if the state land department have any objections to that road being widened, but further noted that there was no way staff would be able to answer that at this time. **Commissioner DeCross** then asked if they could use Bourdon Ranch Road as access from the north, Ms. Phillips replied that they would have to put in a bridge to get over the creek. With no further questions for staff, the **Chairman** asked for the applicant to approach for further comment.

Mr. Will Flake approached to represent the applicant, he showed the commission the lot layouts, and addressed some of the concerns over ingress and egress, they are looking at replacing the current bridge over the creek with a much sturdier one and said they were planning on constructing emergency access to Bourdon Ranch Road. Mr. Flake noted there was existing land access, the applicant has tried to work with the state land department to get access, and the applicant currently has a letter of approval to construct access.

The Chairman asked about the emergency egress' road type, and Mr. Flake said that the applicant was intending to put in gravel, and there would be two phases of construction but the emergency egress to Bourdon Ranch Road would be part of phase one.

Commissioner DeCross asked how many lots they were planning on for each phase, and Mr. Flake replied that phase one would have 100 and 200 units and phase two would have 50 lots and 100 units that would be used for rental, however the desire was for there to be permanent residents but they had no control over such things.

Commissioner DeCross asked if the local fire district had seen the plans, Mr. Flake said that they have looked at the area but was unaware if they've seen the current plans or just the mock-up of the project.

The Chairman then called for public comment in favor, none, and in opposition, to which several people came before the commission to speak.

Terry White spoke to the commission and stated that he had spoken to the army corps of engineers, and that they had not graded the dam for the traffic. His concern was that the project would bring more unauthorized traffic and was concerned that they hadn't talked to them about the project.

Penny Stegima and Kathy Henderson said their main concern was that the density that they would be bringing to the area and added that they were concerned about traffic.

Ms. Phillips said that when they get to the tentative plat stage they'll do the traffic study then, and reminded everyone that this hearing was only for the zone change.

Jim Dewatt was concerned about the eyesore of permanent RV storage and undesirable types.

Buzz Estel's main concern was the impact on the lake.

Commissioner DeCross asked if the project was in the White Mountain Lakes recreation district, to which Mr. Flake replied that they were indeed within the district and thus allowed access to the lake.

Robert Myeright approached to complain that he had just barely purchased property there to get away from exactly that kind of developments, and he is concerned about public safety.

Commissioner Howe recommended adding in the condition to do a county approved traffic study.

With no further discussion, **The Chairman** called for a motion. **Commissioner Howe** made a motion to recommend Approval to the Board of supervisors, with the additional condition to include a traffic impact study as reviewed and approved by the county. **Commissioner Rhoades** seconded the motion. Motion carried unanimously. (6- 0)

ITEM #11 – CONSIDERATION OF APPROVAL OF THE 2020 MEETING SCHEDULE.

Chairman called for a motion. **Commissioner DeCross** made a motion to recommend Approval. **Commissioner Smith** seconded the motion. Motion carried unanimously. (6- 0)

ITEM #12 – ELECTION OF OFFICERS. Postponed to first meeting of 2020

ITEM #13 – CONSIDERATION OF APPROVAL OF MINUTES FROM THE COMMISSION HEARING OF 10/17/2019.

Possible approval of 10/17/2019 Minutes. **Commissioner Murph** made a motion to approve the minutes. **Commissioner McVicker** seconded the motion. Motion passed unanimously. (6-0)

ADJOURN MEETING

With there being no further business to come before the Planning and Zoning Commission, the meeting was adjourned at 8:55 PM a motion was made to adjourn the meeting by **Commissioner Howe**. **Commissioner Rhoades** seconded the motion. Motion carried.

Approved this _____ day of _____, _____

Chairman, Navajo County
Planning & Zoning Commission

ATTEST:

Secretary, Navajo County
Planning & Zoning Department

FINAL